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October 4, 2006

BY E-FILING AND HAND DELIVERY

The Honorable Kent A. Jordan
United States District Court
844 North King Street
Wilmington, Delaware 19801

Re: *Novozymes A/S v. Genencor International, Inc. et al.*
C.A. No. 05-160 (KAJ)

Dear Judge Jordan:

We write pursuant to Local Rule 7.1.2(c) to call to the Court's attention a recently issued decision relevant to Novozymes's pending motion for permanent injunction (D.I. 169). Late last week, the United States District Court for the Western District of Tennessee issued a permanent injunction in a case similar to the captioned matter. *See Smith & Nephew, Inc. v. Synthes (U.S.A.)*, No. 02-2873 (W.D. Tenn. Sept. 28, 2006) (attached as Exhibit A).

Evaluating the four equitable factors recently reaffirmed by the Supreme Court in *eBay Inc. v. MercExchange LLC*, the district court found that "[e]ven if [defendant] were to terminate its sales of the infringing products voluntarily, it would be free to return to its offending conduct, thereby further imposing monetary and intangible losses on [plaintiff]." *Id.* slip op. at 9. Emphasizing that the "entire purpose of an injunction is to take away defendant's discretion not to obey the law," the district court issued a permanent injunction. *Id.* (citation omitted).

YOUNG CONAWAY STARGATT & TAYLOR, LLP

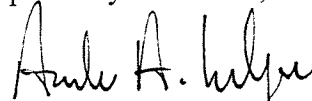
The Honorable Kent. A. Jordan

October 4, 2006

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Please do not hesitate to contact us should you require any additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew A. Lundgren". The signature is fluid and cursive, with the first name "Andrew" and last name "Lundgren" clearly visible.

Andrew A. Lundgren (No. 4429)

cc: Donald E. Reid, Esquire (via email)